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DAN SMOOT

THE EDUCATION LOBBY

President Nixon took office in January, 1969, promising drastic reductions in federal spending to combat inflation. The President says the dollar lost 25% of its purchasing power during the decade of the 1960's *because* the federal government during that decade spent $57 billion more than it took in.[1]

Ultraliberals, in and out of Congress, resolved to permit no decreases, but rather to force increases, in vote-buying domestic programs — such as welfare, federal aid to education, "health" programs, poverty war, and so on.

The most interesting legislative battle of 1969 involved federal aid to education; and the most powerful, ruthless, and successful big-spending lobby in Washington that year was the education lobby — the Emergency Committee For Full Funding of Education Programs, a newly formed group composed of more than 60 different, often rival, organizations which, in previous years, had lobbied separately. The leader in this new education lobby is the National Education Association (NEA). Other organizations in it are American Federation of Teachers, American Library Association, American Council on Education, Impacted Aid Superintendents, National School Boards Association, U. S. Catholic Conference.[2]

The Emergency Committee For Full Funding of Education Programs selected, to "present its case to the Congress," Arthur S. Flemming, former Secretary of the Department of HEW. Flemming's top assistant was Charles Lee, former professional staff member of the Senate Education Subcommittee.[3]

In April, 1969, when President Nixon urged his health, education, and welfare proposals upon Congress, he did *not* recommend a *decrease* in spending, as his conservative supporters had expected. He asked Congress to appropriate *13% more* for health, education, and welfare during fiscal 1970 (the

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year beginning July 1, 1969) than had ever been spent before in one year.[1]

This did not satisfy the NEA lobbyists. They demanded multi-billion dollar increases in federal spending on education.

Indeed, the NEA *wrote its own* federal-aid-to-education bill, HR 10833, which was introduced May 1, 1969, by Representatives Carl D. Perkins (Kentucky Democrat) and Edith Green (Oregon Democrat). The bill would have required federal aid to schools totaling at least $7.75 billion a year — 50% more than any aid-to-school bill ever passed by Congress. This would not have replaced, but would have been in addition to, all existing federal-aid-to-education programs[4] which already total nearly $12 billion a year.[5]

The NEA did not expect its own aid-to-education bill (HR 10833) to pass in 1969. The bill was a weapon for intimidating "moderate" Congressmen into accepting a "modest" billion-or-so increase in the President's aid-to-education recommendations, as a means of forestalling the "extravagant" proposals of the almost-irresistible education lobby.

It was a prolonged struggle, and it delayed appropriations for many months. In the end, the education lobby won.

On December 22, 1969 (six months after the 1970 fiscal year began), the House (by a vote of 261-110) passed HR 13111, appropriating, for the Departments of Labor and HEW and for related agencies, $19.7 billion during the 1970 fiscal year. This sum included $3.3 billion for the Office of Education — $1.1 billion more than President Nixon had requested for that agency. The education lobby was primarily responsible for this increase over the President's budget request.[6]

On January 19, 1970, the Senate, by a vote of 74-17, passed HR 13111, and sent it to the President.

On January 26, 1970, President Nixon vetoed the bill because the $19.7 billion in spending it provided would further stoke the inflationary fires destroying the value of the dollar.

The education lobby took hundreds of educators and health officials to Washington to exert pressure on Congress to override the President's veto.[1] George D. Fischer, then NEA president, said his group "had the most massive lobbying drive in history" working on this project.[7]

But this time, the lobby failed. On January 28, 1970, a vote in the House (226-191) fell short of the two-thirds majority necessary to override the President's veto.[1]

NEA president George Fischer said:

"We want to beat five or ten Congressmen who switched their vote on the HEW veto.

"We will use them as an example. We will put the fear of God in politicians all over the country.

"We plan to make it political suicide to vote against the kids and education."[7]

Seven months of the 1970 fiscal year had already passed, and no regular appropriations for the 1970 fiscal year had yet been made to the Departments of Labor and HEW and related agencies. They were still getting their billions of federal tax money, of course — but in an irregular way. They were getting it at 1969 levels, on a temporary month-to-month basis, as authorized by Congress in special resolutions.

An appropriations bill had to be passed.

In a letter to the Speaker of the House on February 2, 1970, President Nixon said he would accept a $19.06 billion Labor-HEW appropriations bill to replace the $19.7 billion bill he had vetoed. The President was willing to take and spend 449 million *more* tax dollars on Labor-HEW and related programs than he had first budgeted as all that was necessary.[8]

On March 3, 1970, the House (by a vote of 324-55) passed the final version of a new appropriations bill (HR 15931) for Labor and HEW and related agencies during fiscal 1970. This one provided $19.4 billion — $800 million more than the President's original budget request; $324 million more than he had specified in his February 2 letter as the *most* he would accept. The Senate approved HR 15931, and sent it to the President.

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Having vetoed as inflationary a $19.7 billion Labor-HEW appropriations bill in January, President Nixon, on March 5, signed the new $19.4 billion bill.

Thus, formal appropriations for Labor, HEW, and related agencies during fiscal 1970 were made eight months and five days after the fiscal year began.

Because of the long delay in appropriating funds for education in fiscal 1970, Congress, for fiscal 1971, handled appropriations for the Office of Education separately, instead of putting them in with the general Labor-HEW appropriations.

President Nixon requested $3.967 billion for the Office of Education in fiscal 1971.[8]

The House (on July 16, 1970, by a vote of 357-30), and the Senate (on July 28, by a vote of 88-0) passed HR 16916, appropriating $4,420,145,000 for the Office of Education during fiscal 1971. This was some $453 million more than the President had requested.[8]

When this Office of Education appropriations bill for fiscal 1971 was moving toward final passage in Congress, the NEA education lobby was exerting intense pressure on Congress to get as much money into the bill as possible, and to condition Congressmen to override an expected Presidential veto.

At the annual convention of the NEA in San Francisco in July, 1970, the delegates present were concerned primarily with methods of organizing, into an effective political force, the 1,748,000 school and college teachers and administrators who are NEA members.

Outgoing NEA president George D. Fischer told the NEA convention:

"When we have achieved this level of political sophistication, no public official will dare the audacity of publicly stating to the nation that an investment . . . in America's youth is inflationary. . . .

"There appears to be a conspiracy at work to destroy confidence in public education, including a hostile federal administration which has in fact declared war on education."[10]

Helen Bain (Nashville, Tennessee, school teacher who is the new NEA president) told the July, 1970, NEA convention:

"Education is in the political arena.

"It is imperative that we tool up our political might to defend the right of every child to be given an equal chance to grow. . . .

"We must elect a Congress that will vote aid to education.

"We must also attempt to force a change in the administration's priorities. It will take real political activity to accomplish this."[11]

On August 11, 1970, the President vetoed HR 16916. He said the amount he had requested was a 28% increase in spending for education above spending in the last fiscal year of the Johnson administration. The President pointed out that the Office of Education appropriations represent considerably less than half of the federal government's aid to education, saying:

"Total spending on federal-supported education will reach nearly $12 billion in 1971, the highest figure in history."[12]

The President acknowledged that it was politically painful for him to veto the bill. Speaker of the House John W. McCormack (Massachusetts Democrat) said:

"If he was up for re-election this year, it would have been so painful, he would have signed . . . instead."[12]

George Mahon (Texas Democrat who is chairman of the House Appropriations Committee) criticized the excessive spending that had caused Nixon to veto the education bill; but he nonetheless urged Congress to override the President's veto, to avoid further delay in providing federal funds for education in the school year soon to begin.[12]

Speaker McCormack taunted Mahon for criticizing congressional spending. Referring to the large number of huge subsidies that are given

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to farms in Mahon's West Texas district, McCormack said:

"If our friend from Texas wants to save a lot of money, why doesn't he cut farm subsidies?"[12]

Congress overrode the President's veto of the Office of Education appropriations bill — the House on August 13, 1970, by a 289-114 vote; the Senate on August 18, by a 77-16 vote.[12]

The aid-to-education wrangle demonstrates once again that the Constitution is the only obstacle that can inhibit the drive to spend this nation into economic bankruptcy and into the political despotism that always comes with total socialism.

Those who talk about *fiscal restraint*, *balanced budgets*, *proper priorities*, *responsible spending*, as the only guidelines for federal expenditures, have no solid ground to stand on when trying to resist the extravagant demands of powerful big-spending lobbies. Having abandoned constitutional principles, they have no plausible rationale for saying *no* to pleas for more federal spending than they think proper.

President Nixon proposed $2.2 billion as the amount that was right for certain federal-aid-to-education programs in 1970. The education lobbyists wanted at least $7.7 billion. Congress appropriated $3.3 billion as the correct amount.

Who was right? None of them!

The Tenth Amendment clearly provides that if the Constitution does not grant the federal government power to do something, then the federal government cannot *legally* do it. Nowhere does the Constitution authorize (or even imply authorization for) the federal government to subsidize state or private educational activities. Hence, *any amount* of federal aid to education is unconstitutional.

Once this principle is abandoned, we have lawless federal government. The dykes are down, and the only checkrein on the pillaging of taxpayers to buy political support for the pillagers is the fluctuating balance of power between powerful groups lobbying for their own self interest.

The illegal federal-aid programs are always "sold" to the people as the only means of solving critical problems, but they always make the problems worse. Note how public education has deteriorated since the mid-1950's when the federal government assumed authority to dictate public-school policies and to subsidize public-school activities.

Demanding frugality and prudence in the spending of tax money on *unconstitutional* federal-aid-to-education programs is both ineffective and ludicrous. We must demand that the programs be abolished.

FOOTNOTES

(1) *Congressional Quarterly Weekly Report*, Jan. 30, 1970, pp. 256-260, 278, 297-300
(2) *Congressional Quarterly Weekly Report*, Jan. 9, 1970, pp. 69, 75; *NEA Reporter*, May 23, 1969
(3) *NEA Reporter*, May 23, 1969
(4) *NEA Reporter*, May 23, 1969; NEA Press Release, May 23, 1969
(5) *Dallas Morning News*, Aug. 12, 1970, p. 1
(6) *Congressional Quarterly Weekly Report*, Jan. 2, 1970, p. 42
(7) AP, Jan. 29, 1970
(8) *Congressional Quarterly Weekly Report*, Feb. 20, 1970, p. 564
(9) *Congressional Quarterly Weekly Report*, July 31, 1970, p. 1935; Aug. 14, p. 2038
(10) AP, July 4, 1970
(11) AP, July 7, 1970
(12) *Congressional Quarterly Weekly Report*, Aug. 14, 1970, p. 2038; *Dallas Morning News*, Aug. 12, 14, 1970; AP, Aug. 19, 1970

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